

REMARKS

Applicant has canceled claim 1 without prejudice and amended claims 2, 3, 4, 8, 9, 10, 12 and 13 and added new claims 14 and 15. Applicant respectfully submits that these amendments to the claims are supported by the application as originally filed and do not contain any new matter. Accordingly, the Office Action will be discussed in terms of the claims as amended.

The Examiner has objected to claims 1, 4, 5 and 8 under 35 USC 102 as being anticipated by Gutshall, stating that Gutshall discloses each and every element of Applicant's invention and particularly at page 3 of the Office Action includes an annotated version of Fig. 3 of Gutshall.

Applicant has carefully reviewed Gutshall and the annotated version of Fig. 3 contained in the Office Action and respectfully submits that Applicant's invention as claimed is substantially different therefrom. In particular, the Examiner in his annotation identifies the inclined portion and Applicant respectfully submits that this is not the inclined portion as claimed by Applicant's application and instead is the bit engaging groove. In addition, the bit engaging groove in Gutshall has an inclined slope. In contrast thereto, in Applicant's invention the bit engaging grooves are provided in the inclined surface of the inverted truncated cone shape hole portion and the bit engaging grooves are vertically provided and not sloped. Still further, Applicant respectfully submits that the bottom 26 in Gutshall is substantially flat and is not a conical bottom surface in the sense of Applicant's invention. Still further, Applicant respectfully submits that the bit engaging grooves which appear to be numbered 16 in Gutshall extend from the top surface of the screw to the bottom. In contrast thereto, in Applicant's invention as claimed by claim 4, the bit engaging grooves which are formed by the step portions are formed in intermediate portion of the inclined portions and do not extend to the bottom surface. It is the inclined surfaces of the hole which extend to the bottom surface in Applicant's invention.

In view of the above, therefore, Applicant respectfully submits that Gutshall does not disclose each and every element of Applicant's invention as claimed by claims 4, 5, 8, 14 and 15 and respectfully submits that claims 4, 5, 8, 14 and 15 are not anticipated thereby.

The Examiner has rejected claim 3 under 35 USC 103 as being obvious over

Gutshall in view of Sudo et al., stating that Gutshall discloses all of Applicant's claimed invention except for the bit engaging grooves having an angle of inclination substantially 20 to 30 degrees with respect to an axis of a screw; Sudo et al. discloses a tamperproof screw having bit engaging grooves having an angle of inclination of substantially 20 to 30 degrees with respect to an axis of a screw; and it would have been obvious to one of ordinary skill in the art to modify Gutshall in view of Sudo et al.

In reply thereto, Applicant would like to incorporate by reference his comments above concerning Applicant's invention and Gutshall. In addition, Applicant respectfully submits that in Applicant's invention as claimed by claim 3, the claim is talking about an angle of inclination of the inverted truncated cone shape hole portion and the inclined portions and not the engaging grooves. The engaging grooves in Applicant's invention are vertical and perpendicular to the top surface of the screw head. In addition, Applicant respectfully submits that the tamperproof screw of Sudo et al. is quite different from Applicant's invention and in Fig. 4c, the abutment surface 7 and the releasing surfaces are not the inverted truncated cone shape hole portion or the inclined portions and instead relate more to the bit engaging grooves.

In view of the above, therefore, Applicant respectfully submits that claim 3 is not obvious over Gutshall in view of Sudo et al.

The Examiner has rejected claims 2 and 9-13 under 35 USC 103 as being obvious over Gutshall in view of Sala, stating that Gutshall discloses all of Applicant's invention except for a projection portion formed so as to protrude from a central portion of a bottom surface extending above the step portions; Sala discloses a screw head having a projection portion formed so as to protrude from a central portion of a bottom surface which could be of any length; and it would have been obvious to one of ordinary skill in the art to modify Gutshall in view of Sala.

In reply thereto, Applicant would like to incorporate by reference his comments above concerning Gutshall and Applicant's invention. In addition, Applicant has carefully reviewed Sala and respectfully submits that the structure thereof is substantially different from Applicant's invention and from Gutshall and there is no suggestion that one would combine the teachings of Sala with Gutshall. Still further, Applicant respectfully submits that the post 73 provided in the center is to prevent the insertion of the screwdriver and

therefore extends to the top surface of the screw as is clearly shown in Fig. 6. In contrast thereto, a projecting portion in Applicant's invention merely extends above the stepped portion but below the top surface of the screw head. Bit engaging grooves would be vertical or perpendicular and instead disclose sloped or inclined surfaces.

In view of the above, therefore, Applicant respectfully submits that claims 2 and 9-13 are not obvious over Gutshall in view of Sala.

In view of the above, therefore, it is respectfully requested that this Amendment be entered, favorably considered and the case passed to issue.

Please charge any additional costs incurred by or in order to implement this Amendment or required by any requests for extensions of time to KODA & ANDROLIA DEPOSIT ACCOUNT NO. 11-1445.

Respectfully submitted,

KODA & ANDROLIA

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